CITY HALL COUNCIL CHAMBERS
SANTA MARIA, CALIFORNIA
REGULAR MEETING

SEPTEMBER 16, 2008

INVOCATION:
Assistant City Manager Haydon gave the invocation.

PLEDGE OF ALLEGIANCE TO THE FLAG:
Councilmember Orach led the Pledge of Allegiance.

CALL TO ORDER:
Mayor Lavagnino called the Regular Meeting of the City Council to order at 6:30 p.m.

ROLL CALL:
MEMBERS PRESENT
Councilmembers Orach, Patino, Trujillo, Zacarías, and Mayor Lavagnino

STAFF MEMBERS PRESENT
City Manager Ness, City Attorney Trujillo, Assistant City Manager Haydon, Director of Public Works/City Engineer Whitehead, Director of Community Development Lindsey, Police Chief Macagni, Fire Chief Ortiz, Director of Utilities Sweet, Director of Administrative Services Snodgrass, City Librarian Buchanan, Planning Division Manager Woods, Advance Planner Smith, Planner III Scott, and Chief Deputy City Clerk Perez.

RESOLUTION FOR FRANK REYES
Councilmember Zacarías read Resolution No. 2008-133 recognizing and commending Frank Reyes, Fire Captain with the Santa Maria Fire Department, for his 32 years of outstanding service to the City and congratulating him on his retirement.

Resolution No. 2008-133 was adopted on motion by Councilmember Zacarías, seconded by Councilmember Orach, and carried on the following vote:

AYES:	Councilmembers Orach, Patino, Trujillo, Zacarías, and Mayor Lavagnino
NOES:	None
ABSENT:	None
ABSTAIN:	None

Resolution No. 2008-133 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, COMMENDING FRANK REYES.

Councilmember Zacarías presented the resolution to Frank Reyes and thanked him for his dedication and commitment to the City.

VOLUNTEER OF THE MONTH
Mayor Lavagnino presented a gift to Sarah Schwab, the Recreation and Parks Department Volunteer of the Month for September, for her participation in the Junior Lifeguard Program and her assistance at the Paul Nelson Aquatic Center.

PROCLAMATION - CONSTITUTION WEEK
Councilmember Trujillo read a proclamation declaring the week of September 17 - 23, 2008, as Constitution Week in the City of Santa Maria and urging all residents to reaffirm the ideals the Framers of the Constitution had in 1787. The proclamation was accepted by Susan R. Clack, Regent for the Daughters of the American Revolution.

PROCLAMATION – SUICIDE PREVENTION WEEK
Councilmember Orach read a proclamation declaring the week of September 15 – 21, 2008, as Suicide Prevention Week in the City of Santa Maria. The proclamation was accepted by Sarah Adams, Conference Coordinator for Glendon Associates.

PROCLAMATION – NATIONAL ALCOHOL AND DRUG ADDICTION RECOVERY MONTH

Councilmember Patino read a proclamation declaring the month of September 2008 as National Alcohol and Drug Addiction Recovery Month in the City of Santa Maria and encouraging all residents to support men, women and youth who are in drug and alcohol addiction treatment and recovery along with their families. The proclamation was accepted by representatives of Good Samaritan Services.

PUBLIC COMMENT

Mark Rademaker spoke about the Constitution and marriage and against Planned Parenthood.

Ernest Armenta spoke about the election on November 4th and his reasons for running for Mayor. He also spoke about Item 3D, Agreement with the County for Animal Control Services.

Isaac Berumen, Latino Business and Community Council, thanked the City for its help on their successful event on Sunday, Las Fiestas Patrias. He talked about the negativity recently at Council meetings and suggested everyone try to get along together for the betterment of the community.

Glenda Stafford asked the City to expand the Code Compliance and Police Department volunteer efforts in her neighborhood.

Paula James spoke about Item 3K – Office of Traffic Safety Grant and commended the Police Department for applying for the grant. She also commended the City on its Web site.

Joan Leon, representing the Santa Maria Community Coalition, stated they were concerned about the number of development projects moving forward and thought the Downtown Specific Plan was being overlooked. She suggested that the projects on the agenda be delayed until the Downtown Specific Plan was approved and implemented.

Sharon Knotts spoke regarding bicycle vendors, corn vendors, and mobile food vendors. She asked for funding for a Code Compliance Officer to work during the day and evenings to handle this.

CONSENT CALENDAR

Councilmember Trujillo requested Item 3K be pulled for comment. Councilmember Patino requested Item 3J be pulled for comment.

Item 3J – Agreement for Countywide Free Library System.
Councilmember Patino stated that Library Zone 3 would receive $815,292 which included the Santa Maria, Cuyama, Orcutt, and Guadalupe libraries. The City's main library would receive $647,322.

Item 3K – Office of Traffic Safety Grant
Councilmember Trujillo stated grants such as this one were very beneficial to the community. He congratulated the Police Department for their work in obtaining the grant.

Consent Calendar Items A through P were approved on motion by Councilmember Trujillo, seconded by Councilmember Patino, and carried on the following vote:

AYES: Councilmembers Orach, Patino, Trujillo, Zacarías, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

A. ORDINANCES
The reading in full of all ordinances and resolutions was waived. Ordinances on the Consent Calendar were adopted by the same vote cast at the first reading unless City Council indicated otherwise.

B. MINUTES
The Minutes of the Regular City Council Meeting of September 2, 2008, were approved as submitted.

C. EPMC
Resolution No. 2008-134 was adopted authorizing the reporting of Employee Paid Member Contribution (EPMC) benefits to the California Public Employees Retirement System (CalPERS) as special compensation for retirement purposes for full-time employees represented by Local 620 Service Employees International Union (SEIU).

Resolution No. 2008-134 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, AUTHORIZING PAYING AND REPORTING THE VALUE OF EMPLOYER PAID MEMBER [illegible] TO THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM FOR THE FULL-TIME GENERAL EMPLOYEES REPRESENTED BY THE SERVICE EMPLOYEES INTERNATIONAL UNION (LOCAL 620).

D. ANIMAL CONTROL SERVICES
Resolution No. 2008-135 was adopted approving an amendment to the agreement between the County of Santa Barbara and the City of Santa Maria for animal control services for fiscal years 2008-09 and 2009-10.

Resolution No. 2008-135 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING AN AMENDMENT TO THE AGREEMENT WITH THE COUNTY OF SANTA BARBARA FOR ANIMAL CONTROL SERVICES.

E. RELEASE OF BOND
Council accepted as complete the public improvements consisting of the installation of 47 street and easement trees, including their maintenance for one year, and authorized the release of a Faithful Performance Bond in the reduced amount of $100 for Crossroads Cottages II, Tract 5813.

F. RELEASE OF BOND
Council accepted as complete the public improvements consisting of the installation of 466 street and easement trees, including their maintenance for one year, and authorized the release of a Faithful Performance Bond in the amount of $78,143.20 for Rose Garden Village II, Tract 5836.

G. RELEASE OF BONDS
Council accepted as complete certain public improvements and authorized the release of a Faithful Performance Bond in the amount of $167,310 for the installation of Broadway improvements with an order that the Contractor, Labor and Material Bonds be retained until March 2009 and the Guarantee and Defective Material Bonds be retained until September 2009, and a Faithful Performance Bond in the amount of $59,218.89 for landscaping and irrigation improvements with an order that the Contractor, Labor and Material Bond be retained until March 2009 and the Planting and Irrigation Maintenance Bond be retained until September 2009 for Country Club Professional Park, Tract 5647.

H. WARRANTS
Warrant Nos. 144718 to 145037 in the amount of $2,376,013.34 were ordered ratified subject to having been certified as being in conformity with the budget and having been approved for payment by the Director of Administrative Services. Warrant Nos. 144389, 144407, 144571, 144572, 144573, 144574, 144707, were cancelled.

I. PAYROLL
Payment of payroll was ordered ratified subject to having been certified by the proper Department Heads, as shown on records on file in the Department of Administrative Services and having been approved for payment by the Director of Administrative Services.

J. AGREEMENT FOR FREE LIBRARY SYSTEM
Resolution No. 2008-136 was adopted approving an agreement with the County of Santa Barbara and other agencies for the operation of a Countywide Free Library System for fiscal years 2008-09 and 2009-10.

Resolution No. 2008-136 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING AN AGREEMENT BETWEEN THE COUNTY OF SANTA BARBARA, THE CITY OF LOMPOC, AND THE CITY OF SANTA BARBARA TO PROVIDE FOR THE OPERATION OF A COUNTYWIDE FREE LIBRARY SYSTEM.

K. GRANT ALLOCATION
Resolution No. 2008-137 was adopted authorizing the appropriation of $307,274 to be allocated to the Santa Maria Police Department under the provisions of the Office of Traffic Safety (OTS) Grant AL0979.

Resolution No. 2008-137 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROPRIATING FUNDING UNDER THE CALIFORNIA OFFICE OF TRAFFIC SAFETY GRANT PROGRAM #AL0979.

L. NOTICE OF COMPLETION
Council accepted as complete the public improvements and approved the Notice of Contract Completion for Alvin Avenue and Railroad Avenue Traffic Signal, Bid No. 2008/03, and authorized the Chief Deputy City Clerk to record same.

M. AWARD OF BID
Resolution No. 2008-138 was adopted awarding the bid and approving a contract with G. Sosa Construction, Inc., for Bid No. 2009/05, Safe Routes to School – Alvin Elementary School in the amount of $268,641.

Resolution No. 2008-138 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING A CONTRACT WITH G. SOSA CONSTRUCTION, INC., FOR SAFE ROUTES TO SCHOOL – ALVIN ELEMENTARY BID NO. 2009/05.

N. NO STOPPING ZONES
Resolution No. 2008-139 was adopted establishing no stopping zones near 2712 Airpark Drive.

Resolution No. 2008-139 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, ADOPTING NO STOPPING ZONES ON AIRPARK DRIVE PURSUANT TO SECTION 7-5.16 OF THE SANTA MARIA MUNICIPAL CODE.

O. LIMITED TIME PARKING ZONE
Resolution No. 2008-140 was adopted establishing a limited time (two-hour) parking zone in the 800 block of West Main Street.

Resolution No. 2008-140 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, ADOPTING A TWO-HOUR LIMITED TIME PARKING ZONE ON WEST MAIN STREET PURSUANT TO SECTION 7-5.14 OF THE SANTA MARIA MUNICIPAL CODE.

P. AMENDMENT TO AGREEMENT
Resolution No. 2008-141 was adopted authorizing the City Manager to enter into a fourth addendum to amend the Supplemental Water Agreement between the City and

the Orcutt Aquacenter to allow for a payment program to pay the total purchase price and expense payment for the right to acquire water.

Resolution No. 2008-141 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ENTER INTO AN AMENDMENT BY ADDENDUM TO THE SUPPLEMENTAL WATER AGREEMENT WITH ORCUTT AQUACENTER TO PROVIDE A PAYMENT PROGRAM FOR THE COSTS FOR THE RIGHT TO ACQUIRE WATER.

CONTINUED PUBLIC HEARING FOR THE MAHONEY RANCH SOUTH PROJECT

Advance Planner Smith gave the staff report. The request is for the certification of the Final Environmental Impact Report (FEIR); an amendment to the General Plan–Circulation Element to realign roads and reduce road right-of-way requirements; repeal of the 460-acre Mahoney Ranch Specific Plan and adoption of two specific plans in its place, to include the 319-acre Mahoney Ranch South Specific Plan and the 141-acre Mahoney Ranch North Specific Plan; and rezone of Assessor's Parcel Nos. 111-130-006 and 111-140-007 to be consistent with the Mahoney Ranch South Specific Plan land use and zoning designations. The Mahoney Ranch South Specific Plan proposes development of up to 1,405 dwelling units on 191 acres, 106 acres of passive open space, 17 acres for a joint-use school/neighborhood park facility, and five (5) acres for a neighborhood-serving commercial site. This item was continued from the August 19, 2008 hearing. At the present time and date, a portion of the fees pertaining to the environmental impact report for the 1994 Mahoney Ranch Specific Plan has not been paid. Since the applicant has signed a Settlement Agreement acceptable to the City Attorney, and has agreed to a binding condition of approval for payment of those fees, staff recommends that the City Council take action on the above listed items at this meeting.

In 1994, the City adopted a Specific Plan for the Mahoney Ranch Project. The property was annexed into the City on November 23, 2004. Also in late 2004, the U. S. Fish and Wildlife Service designated critical habitat for the California Tiger Salamander under the federal Endangered Species Act of 1973 as amended. In response to these federal biological protection procedures, the developer initiated a Habitat Conservation Plan process with the U. S. Fish and Wildlife Service. The biological studies were started in 2005. The U. S. Fish and Wildlife Service staff is currently reviewing a draft Habitat Conservation Plan. The developer, Black Road Ranch, LLC, applied to the City for General Plan/Zoning and Specific Plan amendments due to constraints created by biological habitat in the area, which triggered the need for a substantial redesign of the project.

On July 2, 2008, the Planning Commission unanimously adopted Resolution No. 2517 recommending that the City Council certify the Final Environmental Impact Report, make CEQA findings, adopt a statement of overriding considerations and adopt a mitigation monitoring program; Resolution No. 2518 recommending the City Council amend the General Plan Circulation Element; Resolution No. 2519 recommending the City Council repeal the Mahoney Ranch Specific Plan, adopt the Mahoney Ranch North Specific Plan, and adopt the Mahoney Ranch South Specific Plan; and Resolution No. 2520 recommending the City Council adopt an ordinance rezoning the 319 acres of the Mahoney Ranch South project.

Ken Melvin, Standard Pacific Homes, gave an overview of the background of the project and a comparison between the original project and the new proposed project. He discussed the five architectural styles proposed for the project and highlighted the development process they would be following.

Councilmember Trujillo asked how long the project might take.

Mr. Melvin explained that originally they thought the project would have houses under construction by 2008. The big unknown was the Department of Fish and Wildlife. The current time line was to have their approval by the end of next year. They did not

anticipate beginning construction of homes until early 2011. The completion of the total project would depend on the market.

Mayor Lavagnino stated he understood the concerns from the Tanglewood residents regarding the loss of their privacy from R-2, two-story development right next to their houses. He said he thought the Council would feel more comfortable with a commitment from the developers that they would work with the people from Tanglewood to meet their needs for privacy.

Mr. Melvin explained they wanted to be good neighbors. Those things would be discussed during the Planned Development process once they had detailed plans.

Councilmember Zacarías stated she also shared the concerns of the Tanglewood residents and asked if any alternatives had been considered for the area adjacent to Tanglewood. She asked if they would consider expanding the open space and moving the R-2 development to some other location on the property.

Mr. Melvin replied that they had considered other alternatives and submitted them to the Fish and Wildlife Service. Unfortunately, because of where the wetlands are located and the habitat designated, they were left with the slivers of property. Because of the amount of open space required for the habitat protection, losing that many units would make the project financially infeasible.

Mayor Lavagnino opened the Public Hearing.

Joan Leon, Santa Maria Community Coalition, stated the Coalition believed the Mahoney EIR did not adequately address the conversion of the agricultural land and the impact on the Police, Fire and Library Services. She quoted several sections of the EIR.

Jim Bentivegna, Tanglewood resident, said the reason he purchased property in Tanglewood was because of the large backyards and the privacy. He said they would not like to have anyone else look into their backyard and asked that their privacy be guaranteed.

Doris Bynum, Tanglewood resident, asked why it was only the south section that was proposed at this time and not the north as well.

Mr. Melvin stated that the southern portion was the only portion of the property they had an interest in. Also, the north section was currently zoned agricultural, while the southerly portion was zoned residential.

Ms. Bynum stated she felt it was too large of a development for just the southern portion surrounding the small Tanglewood community. She didn't think that was fair. She talked about comments made at the Planning Commission meeting by the developer.

Mick Robinson, Tanglewood resident, stated he was very concerned about the development and the changes they were requesting. They did not want two-story development on the border of the Tanglewood area. He felt there were many options that could be used to address the residents' concerns.

Barbara Bello, Tanglewood resident, stated her backyard was on the border. The developers never tried to meet with the residents before it went to the Planning Commission. She asked where these people would work to support the housing that would be built.

Pedro Piaz Navarro asked about low-income housing in the project and felt the City Council had an obligation to provide affordable housing.

Deborah Brasket, SBCAN, stated they had serious concerns about this project that would put 1,400 homes in a rural area outside the urban areas of the City. She asked

that the Council deny the project. She talked about inconsistencies in the EIR and submitted a letter highlighting their concerns.

Isaac Berumen stated he was a local realtor. He said the City had to fix the problems now with foreclosures and homes for sale before building any more housing. He said it was not the right time for a development like this to add so many new houses.

Ernest Armenta stated he knew the developers had a lot of money invested in this development, but the residents of Tanglewood were looking for a commitment from the Council that there would not be any two-story buildings next to their property.

Hearing no further requests to speak, Mayor Lavagnino closed the public hearing.

Mayor Lavagnino stated he would not support R-2, two-story development contiguous to Tanglewood. The rest of the project he would support if they could move the R-2 to the interior.

Councilmember Patino stated she met with the Tanglewood residents last month. She said if she owned a home there, she would not want two-story houses next to her. She asked why the loop road had to connect into the Tanglewood development.

Mr. Melvin explained that it was not the loop road. It was two residential local streets that were required by the Fire Department for emergency purposes.

Councilmember Zacarías stated there was already an approved plan for this area and felt she was having to decide if she liked this plan better than the previous one. She was happy the project was being reduced from 1,700 units to 1,400 units. She felt there should be no development along the perimeter of Tanglewood. She concurred with no R-2 and no two-story, but would prefer no building at all.

Councilmember Orach stated the tiger salamander habitat came along after the original project was approved. The developers were making the best attempt at the project with what they have had to do because of the tiger salamander and red legged frog.

Advance Planner Smith explained that most of the lots in Tanglewood were 100 feet deep. The distance between the R-2 development and the Tanglewood homes was the distance of their backyards plus a minimum 20-foot setback on this property. The Mahoney Ranch R-2 had a 30-foot height limit while the Tanglewood development had a 35-foot height limit.

Mayor Lavagnino stated unless the Council could get a commitment that there would not be two-story dwellings looking down into Tanglewood residences, the project would probably not be approved. He asked for suggestions on how to move forward.

Advance Planner Smith stated this was the first part of the project and would be followed by the Planned Development Permit process. Staff could add language for areas PA-10 and PA-11 adjacent to Tanglewood, that upon processing of the Planned Development Permit, staff would ensure that residents would not be looking over the present residences of Tanglewood.
Councilmember Zacarias stated she was not comfortable with that. She was not only concerned about people looking down into their backyards, she was also concerned about what the people in Tanglewood would be looking at.

Mr. Melvin stated that the property was currently zoned for residential, and the current zoning would allow two-story development. He understood their concerns, but it was hard to come up with a solution on the fly. He asked for a short recess to discuss it.

Mayor Lavagnino called for a brief recess at 8:15 p.m. Mayor Lavagnino reconvened the meeting at 8:25 p.m. with all members again present.

Mayor Lavagnino suggested the minimum 20-foot buffer be continued and the first row of homes adjacent to the Tanglewood Development would not be any higher than the existing Tanglewood houses.

Laurie Tamura, Urban Planning Concepts, indicated that would be acceptable to them and also suggested the strip adjacent to Tanglewood be reduced to single-family residential 8-units per acre vs. the R-2 residential 12-units per acre, with the requirement that they be single story along the Tanglewood development. She said that would reduce the density in that area and asked that they be allowed to work with staff to add that lost density into the areas abutting the school site.

Councilmember Zacarías stated this was a process, and the Council was setting the parameters for what could be considered as part of the Planned Development Permit. She felt comfortable with this being a maximum development standard, but the community and the developers needed to work together to find a solution.

Laurie Tamura asked that the Council approve the EIR, General Plan Amendment and Specific Plan Amendments, and zoning ordinance as conditioned and amended by the Council.

Councilmember Patino stated it was suggested at the Planning Commission meeting that the developer meet with the residents of Tanglewood. She would like to see a commitment made to do that.

Councilmember Zacarías referenced a letter from Keith Ramsey from Health Sanitation Services regarding the traffic and odors from their recycling facility. She wanted to make sure the developers were very clear about that and worked with them as well.

Resolution No. 2008-142 was adopted certifying the Mahoney Ranch South Specific Plan Final Environmental Impact Report for the Mahoney Ranch South Specific Plan on motion by Councilmember Patino, seconded by Councilmember Orach, and carried on the following vote:

AYES: Councilmembers Orach, Patino, Trujillo, Zacarías, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

Resolution No. 2008-142 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, CERTIFYING THE MAHONEY RANCH SOUTH SPECIFIC PLAN FINAL ENVIRONMENTAL IMPACT REPORT (E-2006-019, SCH#2007021071) MAKING CEQA FINDINGS, ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS AND ADOPTING A MITIGATION MONITORING PROGRAM FOR THE MAHONEY RANCH SOUTH SPECIFIC PLAN PROJECT, AND FINDING THAT NO FURTHER ENVIRONMENTAL REVIEW IS NECESSARY FOR THE MAHONEY RANCH NORTH SPECIFIC PLAN, FILE NOS. GPZ-2006-006, SPZ-2006-002.

Resolution No. 2008-143 was adopted approving a General Plan Amendment (Circulation Element) on motion by Councilmember Patino, seconded by Councilmember Orach, and carried on the following vote:

AYES: Councilmembers Orach, Patino, Trujillo, Zacarías, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

Resolution No. 2008-143 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING A GENERAL PLAN AMENDMENT (CIRCULATION ELEMENT) FOR PROPERTY LOCATED WEST OF THE SANTA MARIA PUBLIC AIRPORT, EAST OF BLACK ROAD, AND NORTH OF

THE TANGLEWOOD AREA, ASSESSOR PARCEL NUMBERS 111-130-006 AND 111-140-007, FILE NO. GPZ-2006-006.

City Attorney Trujillo suggested that on the first page of Ordinance No. 2008-19 under City Council Actions, that the fourth "Whereas" provision should be amended to read: "Whereas, the Santa Maria City Council made no substantial modification of the proposed Specific Plans which had not been previously considered by the Planning Commission."

Ordinance No. 2008-19 as amended repealing the existing Mahoney Ranch Specific Plan in its entirety, adopting the new Mahoney Ranch South Specific Plan, and adopting the new Mahoney Ranch North Specific Plan was introduced by title only for first reading and continued to the next meeting for second reading and adoption on motion by Councilmember Zacarías, seconded by Councilmember Orach, and carried on the following vote:

AYES: Councilmembers Orach, Patino, Trujillo, Zacarías, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

Ordinance No. 2008-19 introduced. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, REPEALING THE MAHONEY RANCH SPECIFIC PLAN, ADOPTING THE MAHONEY RANCH SOUTH SPECIFIC PLAN, AND ADOPTING THE MAHONEY RANCH NORTH SPECIFIC PLAN FOR PROPERTY LOCATED WEST OF THE SANTA MARIA PUBLIC AIRPORT, EAST OF BLACK ROAD, AND NORTH OF THE TANGLEWOOD AREA, APPROXIMATELY 460 ACRES (SPZ-2006-002, SPZ 88-07).

City Attorney Trujillo suggested Section 2 of Ordinance No. 2008-20 be amended to read "Section 2. The Direction of Community Development is hereby authorized and directed to make corresponding changes on the official zoning map of the City of Santa Maria in conformity with this ordinance and the Mahoney Ranch South Specific Plan as conditioned and amended by the City Council."

Ordinance No. 2008-20 as amended rezoning 319 acres for Black Ranch Road, LLC, Mahoney Ranch South Specific Plan Project was introduced by title only for first reading and continued to the next meeting for second reading and adoption on motion by Councilmember Trujillo, seconded by Councilmember Orach, and carried on the following vote:

AYES: Councilmembers Orach, Patino, Trujillo, Zacarías, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

Ordinance No. 2008-20 introduced. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, REZONING 319 ACRES FOR BLACK RANCH ROAD, LLC, MAHONEY RANCH SOUTH SPECIFIC PLAN PROJECT, GPZ-2006-006, ASSESSOR PARCEL NUMBERS 111-130-006 AND 111-140-007 (319 ACRES).

Mayor Lavagnino stated Attachment 8 to the agenda report was the settlement agreement between the applicant and the City, and a motion was needed to authorize the Mayor to execute the agreement.

On motion by Councilmember Zacarías, seconded by Councilmember Trujillo and carried unanimously, Mayor Lavagnino was authorized to sign the settlement agreement attached to the agenda report as Attachment 8.

ZONING TEXT AMENDMENT TO CHAPTER 8 (RELATING TO HEIGHT AND SETBACKS) OF TITLE 12 OF THE MUNICIPAL CODE, Z-2008-003, E-2008-017.
Advance Planner Smith gave the staff report. This item includes a negative declaration of environmental impact and an ordinance amending Chapter 8 of Title 12 of the Municipal Code (Zoning Regulations) changing the maximum building height from 35 feet to 45 feet for building sites less than one acre and 70 feet for building sites greater than one acre for properties outside adopted Specific Plan areas, and adding setback guidelines to correspond to the building heights in the R-3 (High Density Residential) zone. Currently, the height limit in the R-3 zone is 35 feet. The proposed text height amendment would not amend the building height limit for properties within the Blosser-Southwest Specific Plan area, the Blosser-Southeast Specific Plan area, the Rivergate Roemer Specific Plan area, or the Entrada Este Specific Plan area. The building height was last revised in 1974, and the setbacks were last revised in 1996. The proposed amendment would achieve a variety of public objectives, including the accommodation for population growth, increased quality and flexibility in building design, allowance for more dwelling units to be constructed on a site, providing more design options for mixed-use projects, and accommodating pending development projects. There are two pending development projects which include new buildings in the R-3 zone with heights exceeding 35 feet. Additionally, the pending Downtown Specific Plan allows for residential building heights up to 70 feet in the Garden District and the Town Center District, up to 60 feet in the Gateway and Railroad Loft Districts, and up to 40 feet in the Bungalow District.

On August 20, 2008, the Planning Commission adopted Resolution 2522 recommending that the City Council adopt a negative declaration of environmental impact for E-2008-017, and Resolution No. 2523 recommending that the City Council approve the revisions to Chapter 8 of Title 12 of the Santa Maria Municipal Code on a 4-0-1 vote with Commissioner Lopez abstaining.

Mayor Lavagnino opened the Public Hearing.

Joan Leon stated she thought raising the height limit to 70 feet or seven stories would be appropriate in the Downtown Specific Plan area, but this ordinance would apply to all R-3 zones in the City. She said there were R-3 properties all over the City that were adjacent to single family homes. She felt it was ill-advised.

Laurie Tamura, Urban Planning Concepts, stated she supported the ordinance. It would only apply to R-3 zoning districts. By stepping the setbacks to the stories as proposed, it would give the sense of reducing the scale of the project. The height limit in the R-3 zone was currently 35 feet. Most of the R-3 zoning in the City was built-out. Within the Downtown Specific Plan area, it would be a great asset. The outlying R-3 pockets would also benefit from the ordinance amendment. It would allow a housing type that was currently not being built in the City.

Deborah Brasket stated she was also opposed to the change in the height limits. It should be limited to the inner core, Downtown Specific Plan area of the City. She suggested there be a provision that the current height limit be exceeded only if it was a great public benefit within the downtown area.

Hearing no further requests to speak, Mayor Lavagnino closed the public hearing.

Councilmember Patino stated she agreed. She felt it would be fine in the Downtown Specific Plan area, but not anywhere else in the City. It would make the City look ugly. She did not think it would add to the City and felt it was poor planning.

Councilmember Zacarías asked how the amendment related to the Downtown Specific Plan.

Advance Planner Smith stated this did not affect the Downtown Specific Plan which had its own height requirements.

Councilmember Zacarías asked what the intention of the ordinance was and how it affected other areas of the City.

Advance Planner Smith stated it was proposed due to development requests the Community Development Department had received such as the new hotels on Roemer Way which exceeded the height limit. The height limit for that zoning district was changed for that about a year ago. The next project on the agenda would also benefit from the ordinance amendment.

Mayor Lavagnino stated as he understood it, there was not much R-3 zoned property left in the City that this ordinance would affect. He said he agreed that he would not like to see seven-story buildings going up all over the City.

Councilmember Trujillo asked how many R-3 zoned sections of the City this would apply to.

Laurie Tamura stated what this would do was to give the Planning Commission and City Council additional tools to look at density and to design projects that provided a variety of height elements. One of the reasons staff brought this forward was for the Lakeview Promenade project which exceeds the R-3 height limit. There were cases where the increased height would make sense.

Mayor Lavagnino asked if the Council had the authority to approve an increased height for specific developments.

Director of Community Development Lindsey stated under the Planned Development ordinance, the Planning Commission and Council had latitude to vary certain things such as parking, setbacks, and landscaping. It did not allow changes to the height limits. With the preparation of the ordinance, staff was looking 40 or 50 years into the future where there needed to be a linkage between a high density zone and greater height similar to what was done for the commercial, C-2, area.
Mayor Lavagnino stated he understood that even if he liked the Lakeview Promenade project, they could not approve the project unless they approved the zoning text amendment.

Community Development Director Lindsey stated a portion of the Lakeview Promenade project was well under 70 feet in height, and a portion was at or below 35 feet which was the current height limit. The Council could not approve the project as proposed right now without this zoning text amendment.

Councilmember Patino stated she did not like being put in a position where they would have to approve this text amendment in order to approve the Lakeview Promenade. She said she did not like the zoning text amendment.

Mayor Lavagnino asked how the Lakeview Promenade project could be approved if the Council did not approve the zoning text amendment.

Director Lindsey stated the applicants would have to amend their plans and adhere to the 35-foot height limit in order for Council to approve that project.

Councilmember Zacarías stated she felt blind-sided by this item. She said she was being asked to approve something that would impact all parts of the City which was an unreasonable request. She moved to deny Resolution No. 2008-144 and Ordinance No. 2008-21 and continue the Lakeview Promenade to try to resolve the height issue.

Mayor Lavagnino asked if there was a compelling reason why the Lakeview Promenade project could not be continued to a later date so staff could try to resolve Council's concerns.

Laurie Tamura stated Director Lindsey had always been frustrated that the Planned Development ordinance allowed variations to setbacks, parking, and landscaping but not height. She suggested the solution would be to amend the R-3 ordinance to allow

for modifications to the height and not set a height limit or set a maximum of up to 70 feet.

Councilmember Trujillo stated he looked at this from a different point of view as good planning and forward thinking. He said he did not expect the opposition.

Councilmember Zacarias repeated her motion to deny Resolution No. 2008-144 and Ordinance No. 2008-21 and continue the Lakeview Promenade to the next meeting try to resolve the height issue. Councilmember Patino seconded the motion.

Director Lindsey asked City Attorney Trujillo if the R-3 zoning ordinance could be amended to allow the flexibility that was permitted in the Planned Development ordinance or another suggestion might be to allow the increased height along arterial streets rather than interior streets. He asked if the Council could continue the item and amend the proposed ordinance as opposed to starting the process over again for a new amendment. He was concerned about the time it would take to start the process over again because of the environmental review and noticing requirements.

City Attorney Trujillo stated a continuance would be in order; however, if there was significant change, it would have to go back to the Planning Commission. If it was not a substantial change, it could go forward.

Councilmember Zacarias amended her motion to deny Resolution No. 2008-144 and Ordinance No. 2008-21. Councilmember Patino amended her second.

The motion failed on the following vote:

AYES: Councilmembers Patino and Zacarias
NOES: Councilmembers Orach, Trujillo, and Mayor Lavagnino
ABSENT: None
ABSTAIN: None

Councilmember Orach suggested the item be continued with the Council giving direction to staff to alter the ordinance so they would not have to start over.

Councilmember Zacarias asked the City Attorney for a definition of substantial change. She said what she heard from Council was no outlying R-3 areas, only some cases some times, and 70 feet was too high, which seemed substantially different to her.

City Attorney Trujillo replied that sounded more substantial than not. The more differences there were, there was a good argument to be made that it was a substantial change from what was proposed and reviewed by the Planning Commission.

Councilmember Zacarias moved to reconsider the vote. Councilmember Patino seconded the motion.

Laurie Tamura asked for a continuance to the next meeting to work with staff. She said they had a project that had merit, and she thought there was an opportunity to work with staff to come up with minor changes that could be brought back to the Council at the next meeting.

Councilmember Zacarias withdrew her motion for a revote. Councilmember Patino withdrew her second.

Councilmember Orach moved to continue the item to the meeting of October 7, 2008. Councilmember Trujillo seconded the motion. The motion was carried on the following vote:

AYES: Councilmembers Orach, Patino, Trujillo, Zacarias, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

Councilmember Zacarías stated this should not have been the first time the Council heard about this degree of change. It was not fair to the Council. The Council wanted to be partners with the developers, but they needed to do it from the beginning so this did not happen.

Mayor Lavagnino called for a brief recess at 9:20 p.m. Mayor Lavagnino reconvened the meeting at 9:25 p.m.

LAKEVIEW PROMENADE PROJECT

Planner III Scott gave the staff report. The project, located at the northwest corner of Orcutt Expressway (State Route 135) and Skyway Drive, consists of certification of an Environmental Impact Report (EIR), E-2006-070, amendments to the General Plan (Land Use), and amendments to the zoning map. The proposed amendments would alter the General Plan Land Use designation of 3.76 acres of approximately 9.41 acres of CC (Community Commercial) to HDR (High Density Residential – 22 dwelling units per acre) and change the zoning designation from PD/C-2 (Planned Development/General Commercial) to PD-R-3 (Planned Development/High Density Residential) (5.65 acres will remain with a land use designation of CC and zoning designation of PD/C-2). A Planned Development and Tentative Tract Map are being reviewed concurrently which would allow a commercial and residential mixed-use "Lifestyle Center" development consisting of 70,000 square feet of retail commercial space, 263 airspace condominiums, common open space, public plazas, and parking.

On August 20, 2008, the Planning Commission adopted Resolution No. 2524 recommending that the City Council certify the Final Environmental Impact Report and Resolution No. 2525 recommending that the City Council approve a General Plan Amendment and rezoning for the project on a 5-0 vote. At the Planning Commission meeting, some area residents expressed concern about potential traffic impacts resulting from the proposal. However, the traffic analysis concluded that, upon inclusion of the identified traffic mitigation measurers, no significant adverse traffic impacts would result from the project.

Mayor Lavagnino opened the Public Hearing.

Scott Shell, ATE Traffic Engineers, stated his company completed the traffic analysis for the EIR. He gave an overview of the EIR scoping process and how they arrived at their conclusions. He talked about the traffic impact criteria used, the existing and previous uses of the property, and the project impacts and mitigations.

Mayor Lavagnino asked about the frontage road on the east side of State Route 135, which caused a tremendous amount of problems. He said he understood that the County may be intending to close that road.

Mr. Shell explained that they looked at the traffic patterns at the intersection of Lakeview and State Route 135 and pedestrian traffic for school children in that area. He talked about the recommendations they had developed for the area including installation of sidewalks, additional signage, and flashing beacons to warn drivers of the school zone.

Councilmember Zacarías asked about sidewalks closer to the intersection of State Route 135 for pedestrians coming across the street from the Promenade.

Mr. Shell stated that would need to be addressed with the redevelopment of the Evergreen Shopping Center. The Evergreen Shopping Center, however, did not include the corner parcel right on Lakeview.

Councilmember Zacarías asked how they were going to ensure the safety of children going from the Lakeview Promenade to Lakeview Junior High School.

Mayor Lavagnino stated he thought this project was going to be more of an upscale project with very few children.

Mr. Shell stated the upscale nature of the units would limit the number of children. With respect to the intersection of Lakeview and State Route 135, he understood the County was looking at proposals for closing the frontage road or limiting it during peak hours. He also talked about the plans to widen State Route 135 to six lanes from Union Valley Parkway to Betteravia.

Greg Nester, project applicant, gave an overview of the project design. They hoped to provide a high-quality, healthy mixed-use environment. By design, it would not promote families. Seventy-eight of the units would be deed restricted for seniors. They hoped to have a number of restaurants in the project. The lead building on the corner of Skyway and Orcutt Expressway would be their anchor restaurant with Building No. 1 to the southwest being another stand-alone restaurant. The movie theater would be limited to 250 seats. In the Promenade itself, they hoped to promote activities during the day and into the evening. He displayed the proposed elevations of the buildings and the parking layout.

Councilmember Orach stated he didn't see an entryway off of Broadway going south. He asked why there was not a right-turn-only turnout.

Mr. Nester stated that was a discussion they could have again with Caltrans; however, the project was not within the required setback from the intersection to allow that.

Councilmember Trujillo stated he liked the project; although, he had some concerns about the traffic with the schools.
Mr. Nester stated it had been a challenging intersection for a long time. There were some existing issues with that intersection, and this project would not add significantly to that.

Councilmember Trujillo stated his other concern was parking for the homeowners; however, it looked like more than enough parking.

Mr. Nester stated the senior units would only have one space per unit. The other units would have about one and a half spaces per unit. In addition to the 52 spaces that lined the street perimeter, across the street there was a parking lot that they had agreed to rehabilitate for possible employee parking or a valet service for the restaurants and theater.

Councilmember Trujillo talked about the speed limit being 55 mph, and asked if they were going to try to get the speed limit lowered through that area.

Public Works Director/City Engineer Whitehead stated he could talk to Caltrans about that. He didn't know what the process would be to reduce the speed limit on the Orcutt Expressway.

Mr. Nester informed the Council that the highest elevation for the current design of the project was 56 feet.

Councilmember Zacarías asked where the public transportation connections in the area were located.

Mr. Nester explained that it was in the parking lot to the west.

Laurie Tamara explained they had talked to SMOOTH to provide Dial-A-Ride service to the project.

Dace Morgan, Deputy Director for the Transportation Division of County Public Works, stated they were comfortable with the mitigation measures that were proposed. They were in discussions with the developer of the Evergreen Plaza about closing the frontage road. They would also be meeting with the 4th and 5th District Supervisors, County staff, City staff, and Caltrans staff this Friday to discuss options to improve traffic circulation in the area of State Route 135, Lakeview, and Orcutt Road. She said one of the things that would relieve some of the congestion was the construction of Union

Valley Parkway and the interchanges. She suggested one option would be postponing occupancy of this project until Union Valley Parkway was built.

Hearing no further requests to speak, Mayor Lavagnino closed the public hearing and explained the Council would not accept any further public comment at the next meeting.

Mayor Lavagnino stated if there was a way to approve this project tonight, he would do it. It was a very good project for the City.
Councilmember Zacarías moved to continue the item to the meeting of October 7th. Councilmember Orach seconded the motion.

The motion was carried on the following vote:

AYES: Councilmembers Orach, Patino, Trujillo, Zacarías, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

CITY MANAGER'S REPORT
City Manager Ness reported the items for the October 7, 2008, City Council meeting included the two items continued from this meeting and not much else.

City Manager Ness talked about the State budget proposal. The bad news was that the budget proposed did not address the structural deficit at all. It was accounting gimmicks, smoke and mirrors, and putting off addressing the structural deficit issues until next year and beyond. The good news was that there was very little impact to local government. The local government lobbying efforts seemed to have paid off. Prop 1A would not be triggered, Prop 42 was untouched, and Redevelopment Agency hits would only be for one year rather than three years.

ORAL REPORTS BY COUNCILMEMBERS
Councilmember Orach reported that on Sunday, September 14th, he participated in the Las Fiestas Patrias celebration.

Councilmember Zacarías reported that she also attended the Las Fiestas Patrias. The Library opened for special tours during the event and had to turn people away. She also attended the Taste of Mexico on September 5th.

Mayor Lavagnino stated on September 3rd he spoke at the Casa Grande Mobilehome Park and attended the Law Appreciation Night at the Elks. On September 5th he attended the Home Show Ribbon Cutting Ceremony at the Fairpark, spoke to the Republican Party at Maria Del Sol, and attended the Taste of Mexico. On September 9th, he attended the Library Board of Trustees meeting to personally thank them. On September 13th, he attended the car show. He announced he was leaving tomorrow for Washington, D. C. to meet with the City's legislators and lobbyists.

Councilmember Patino reported that she attended Law Enforcement Appreciation Night on September 3rd. She attended the Library's to meet the author for Francisco Jimenez. On September 10th, she toured the Ted Zenich Gardens project.

Councilmember Trujillo reported that he attended the car show on September 13th. He attended a genealogy presentation with Jim Glines. He attended the Chamber of Commerce Hispanic Business Committee regarding non-profit organizations' contributions to the community. On September 7th he attended a fundraiser for the Santa Maria Philharmonic.

Councilmember Orach reported on the LAFCO Conference he attended at Universal City. Two major issues were discussed including State water and the impact of the Smelt decision, and the possible effect of the salmon lawsuit.

CLOSED SESSION
Council recessed to a Closed Session at 10:35 p.m. for Conference with Legal Counsel – Anticipated Litigation pursuant to Government Code Section 54956.9 (1 potential case).

After the Closed Session, the following report was given:

Conference with Legal Counsel, Anticipated Litigation – Direction to staff was given.

ADJOURNMENT
There being no further business to come before the City Council at this time, the meeting was declared adjourned by Mayor Lavagnino at 10:40 p.m.

APPROVED

October 7, 2008
Date

Chief Deputy City Clerk of the City of Santa Maria and ex officio Clerk of the City Council

ATTEST

Chief Deputy City Clerk

Mayor of the City of Santa Maria